



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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EPA Region 5 Records Ctr.



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REPLY TO THE ATTENTION OF
SR-6J

DEC 24 2003

Mr. Jim Woods
Resident Engineer
Michigan Department of Transportation
Paw Paw Construction Office
P.O. Box 171
Paw Paw, Michigan 49079

Re: Bridge Repair Work at the M-89 Crossing of the Kalamazoo River
Allied Paper/Portage Creek/Kalamazoo River Superfund Site, Michigan

Dear Mr. Woods:

The United States Environmental Protection Agency ("EPA") has received a copy of Michigan Department of Environmental Quality ("MDEQ") Permit No. 03-03-0018-P, issued to the Michigan Department of Transportation ("MDOT") on August 5, 2003. The MDOT permitted activity includes removing and replacing the existing bridge structure at the M-89 crossing of the Kalamazoo River, placing fill within the stream, and adding riprap slope protection. EPA understands that this project is one in a series of repair and improvement projects scheduled for bridges that span the Kalamazoo River.

MDOT should be aware that the work being performed at the M-89 crossing and elsewhere along the Kalamazoo River is within the boundaries of the federally designated Superfund site called the Allied Paper/Portage Creek/Kalamazoo River Superfund Site (the "Site"). The Site includes five disposal areas, four paper mill properties, and an approximately 80-mile stretch of the Kalamazoo River from Morrow Dam to Lake Michigan, and a three-mile stretch of Portage Creek. See enclosed map. EPA and MDEQ are responding to the threats to human health and the environment presented by the release of polychlorinated biphenyls (PCBs) at the Site.

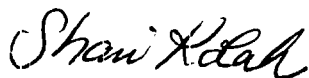
The purpose of this letter is inform you that, under the Comprehensive Environmental Response Compensation and Liability Act (commonly referred to as the "Superfund" law), a person whose activities cause the release or disposal of a hazardous substance may become potentially responsible for cleanup costs incurred by EPA. Additionally, once the federal government has initiated a Remedial Investigation/Feasibility Study (RI/FS) at a Superfund site (which EPA did for the Kalamazoo River in 2002), then no potentially responsible party may undertake remedial

work without EPA authorization. Accordingly, EPA believes it is in the best interest of MDOT to seek EPA review of and authorization for any future work within the Site prior to commencement of such work. In this way EPA can help to ensure, to the greatest extent possible, that MDOT's activities are unlikely to result in the release of PCBs, are consistent with EPA's remedial action plans for the Site, and that the work is carried out in compliance with any applicable or relevant and appropriate state and federal requirements, including the Clean Water Act and the Toxic Substances and Control Act (TSCA).

With regard to the M-89/Kalamazoo River bridge work, EPA has particular concerns about the information contained in Items L.15 and 23 of the MDEQ permit. These items indicate that spoils excavated from the uplands and stream dredging will be placed on land, leveled, and covered with six inches of clean topsoil. The river banks and in-stream sediments to be excavated and dredged by MDOT may be contaminated with PCBs. EPA is aware that PCBs have been detected at concentrations above the ecological and human health risk levels in areas relatively nearby to the M-89 bridge. EPA believes, however, that neither the PRPs for the Site nor the federal or state agencies have conducted sufficient sampling to determine whether the specific area where MDOT work is proceeding is one of significant PCB contamination. EPA has concluded, therefore, that before MDOT disposes of any material on land, it must test the excavated soils and/or dredged river sediment to ensure: (1) that the MDOT is not causing the spread of PCB contamination downstream or otherwise adversely affecting water quality; and (2) that any disposal method MDOT uses for the excavated and dredged material complies with EPA's long-term goals for riverbank remediation as well as any TSCA requirements. If the testing determines that PCBs are present in concentrations that may present human health or environmental risks, MDOT must consult with EPA regarding the final disposal method. As explained above, failure to do so may result in the incurrence of Superfund liability.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at (312) 886-6151, or either of the Agency's site attorneys, Eileen Furey at (312) 886-7950 or Jacqueline Hejmanowski at (312) 353-4191.

Sincerely,



Shari Kolak
Remedial Project Manager
Superfund Division

Enclosure

cc: Paul Bucholtz, MDEQ
Holly Stearns, MDEQ
Thad Morgan, Michigan Dept. Attorney General
Jeff Trevino, EPA

**Allied Paper/Portage Creek/
Kalamazoo River Superfund Site**

